

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM TURBAY, et al.,

Plaintiffs,

vs.

BANK OF AMERICA NA, et al.,

Defendant.

Case No. 2:12-cv-01367-JCM-PAL

ORDER

(Mot Cont Hrng - Dkt. #27)
(Mot for Sett Conf - Dkt. #18)

Before the court is Plaintiffs' Request for Date Change for Hearing on Motion (Dkt. #27). The court has considered the Motion and Defendant's Response (Dkt. #28).

The court set Plaintiffs' Motion for Settlement Conference (Dkt. #18) filed September 28, 2012, for a hearing when Defendants did not file a timely response. The hearing is currently set for November 20, 2012. Plaintiffs request that the hearing be vacated and re-set because of a long-standing and prearranged family trip planned over the Thanksgiving holiday. Plaintiffs also indicate that they did not receive notice of the hearing and only learned of it by checking PACER. Defendants do not oppose Plaintiffs' motion to continue the hearing on Plaintiff's motion for settlement conference. Counsel for Defendants indicate that the Defendants are always interested in discussing settlement, and are willing to discuss settlement directly with the Plaintiffs. However, Defendants oppose spending the time and resources for mandatory court-ordered settlement conference.

The court entered a Discovery Plan and Scheduling Order (Dkt. #24) which establishes a March 5, 2013, discovery cutoff, and related case management deadlines required under LR 26-1(e). Once the joint pretrial order is filed, the district judge will set this matter for trial and automatically refer this case to the undersigned for a mandatory settlement conference. As Defendants oppose a mandatory

1 settlement conference at this time, and the deadline for completing discovery has not yet run, the court
2 will deny Plaintiff's Motion for a Settlement Conference before the close of discovery.

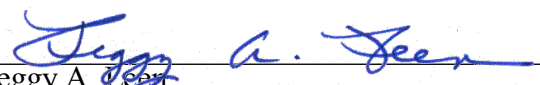
3 A review of the court's docket reflects that notice of the hearing was delivered by the clerk of
4 the court to both Plaintiffs at the address listed on their pleadings on November 9, 2012. If Plaintiffs
5 have moved they are required to notify the court and opposing counsel of any change of address so that
6 they may be promptly served with papers and orders of the court. The docket also reflects that notice of
7 the Motion for Settlement Conference was served on defense counsel. Defense counsel is reminded
8 that failure to file a timely response to a motion constitutes a consent to the granting of the motion. *See*
9 LR 7-2(b).

10 Having reviewed and considered the matter,

11 **IT IS ORDERED** that:

- 12 1. Plaintiffs' Motion to Continue Hearing (Dkt. #27) is **GRANTED** and the November 20,
13 2012, hearing is **VACATED**.
14 2. The Motion for a Settlement Conference (Dkt. #18) is **DENIED**.

15 Dated this 19th day of November, 2012.

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18 Peggy A. Leen
United States Magistrate Judge
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